UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

IN RE: John P. Keating	
U.S. Bank National Association, as Trustee relating to J.P.Morgan Mortgage Acquisition Corp. 2005-FRE1 Asset Backed Passed-Through Certificates, Series 2005-FRE1, VS. John P. Keating	CHAPTER 13 CASE NO. 08-16530-WCH

MOTION FOR RELIEF FROM STAY

To the Honorable William C. Hillman:

U.S. Bank National Association, as Trustee relating to J.P.Morgan Mortgage Acquisition Corp. 2005-FRE1 Asset Backed Passed-Through Certificates, Series 2005-FRE1, your moving party in the within Motion, hereby requests that the Court grant relief from the Automatic Stay imposed by 11 U.S.C. 362 and any applicable Co-debtor Stay imposed by 11 U.S.C. §1301 and respectfully represents:

1. The movant has a mailing address c/o its servicer, Litton Loan Servicing, 4828 Loop Central Drive, Huston, TX 77081.

2. The debtor, John P. Keating, has a mailing address of 104 Pond View Drive, Kingston, MA 02364.

3. On August 29, 2008, the debtor filed a petition under Chapter 13 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Massachusetts.

4. The debtor's Chapter 13 plan has not been confirmed.

5. The movant is the holder of a first mortgage on real estate in the original amount of $572,000.00 given by John Keating and Julia Keating to Mortgage Electronic Registration Systems, Inc. on or about August 5, 2005. Said mortgage is recorded with the Plymouth County

Registry of Deeds at Book 31117, Page 133 and covers the premises located at 104 Pond View Drive, Kingston, MA 02364. A loan modification agreement relating to said mortgage is recorded at Book 36158, Page 327. A copy of the mortgage is annexed hereto and marked as Exhibit 'A'.

6. Said mortgage secures a note given by John Keating to Freemont Investment & Loan in the original amount of $572,000.00.

7. There is no other collateral securing the obligation.

8. The mortgage was assigned by Mortgage Electronic Registration Systems, Inc. to the movant.

9. The movant is unaware of any recorded Declaration of Homestead on said property.

10. As of January 7, 2009, approximately $569,832.18 in principal, interest, late fees and other charges was due with regard to the mortgage.

11. There are the following encumbrances on the property:

Name of Creditor	Type of Lien	Amount Owed
U.S. Bank National Association, as Trustee relating to J.P. Morgan Mortgage Acquisition Corp. 2005-FRE1 Asset Backed Passed-Through Certificates, Series 2005-FRE1	First Mortgage	$569,832.18
Litton Loan Servicing	Second Mortgage	$141,230.00
Total Secured Encumbrances:		$711,062.18

12. The pre-petition arrearage is $9,024.08.

13. According to the debtor's schedules, the fair market value of the subject property is $680,000.00. The liquidation value of the subject property is $635,599.20, calculated as the fair market value less a reasonable realtor's fee (6%); deed stamps ($3,100.80) and anticipated costs incurred for a real estate closing of $500.00.

14. The debtor has no equity in the property.

15. The debtor has failed to remain current with the post-petition payments to U.S. Bank

National Association, as Trustee relating to J.P.Morgan Mortgage Acquisition Corp. 2005-FRE1 Asset Backed Passed-Through Certificates, Series 2005-FRE1.

16. The mortgage and note are in default for the September 1, 2008 payment and all payments thereafter.

17. The total post-petition arrearage due as of January 7, 2009 is $21,018.01, excluding attorney's fees and costs. As a result of this motion, attorney's fees and costs of approximately $372.50 have accrued. This figure may increase as additional attorney's fees and costs continue to accrue.

18. The total post-petition arrearage through the anticipated hearing on this motion would also include any additional monthly mortgage payments in the amount of $4,120.86, which payments are due on the first of every month and late charges in the amount of $ 108.09 which accrue on the sixteenth of every month. The post-petition arrearage would also include any additional expenses, attorney's fees and costs that accrue from the date of the filing of this motion through the date of the hearing.

19. The property is not necessary for a successful reorganization of the debtor.

20. According to the debtor's Chapter 13 Plan, the subject property will be surrendered.

21. The movant seeks relief from stay as a secured creditor to enforce its rights under its loan documents and applicable law. In support thereof, the movant states that it is entitled to relief as follows:

I. Pursuant to 11 U.S.C. 362 (d)(1) for cause on the basis that the debtor has not made post petition payments, and that the debtor has failed to provide the plaintiff with adequate protection;

II. Pursuant to 11 U.S.C. 362 (d)(2) on the basis that the debtor has no equity in the subject property and the property is not necessary for effective reorganization.

WHEREFORE, the movant prays that it, and its successors and/or assigns, be granted relief from the stay for the purpose of: (i) exercising its rights under its agreements with the debtor and any co-debtors under applicable law, including, without limitation, taking possession of the mortgaged premises and/or foreclosing or accepting a deed in lieu of foreclosure of its mortgage on said premises; (ii) preserving its right to seek any deficiency to the extent permitted by state and federal law, including 11 U.S.C. §524(a); (iii) bringing such actions, including, without limitation, summary process proceedings, as are permissible by law; and (iv) that the Court order such other and further relief as may be just and proper.

Respectfully submitted,

U.S. Bank National Association, as Trustee relating to J.P.Morgan Mortgage Acquisition Corp. 2005-FRE1 Asset Backed Passed-Through Certificates, Series 2005-FRE1,
By its Attorney

/s/ Kathryn A. Fyans

Kathryn A. Fyans, Esquire
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HARMON LAW OFFICES, P.C.
P.O. Box 610345
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781-292-3900

Dated: January 7, 2009

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

IN RE: John P. Keating	CHAPTER 13 CASE NO. 08-16530-WCH

CERTIFICATE OF SERVICE

I, Kathryn A. Fyans, Esquire, state that on January7, 2009, I electronically filed the foregoing Motion for Relief from Stay and Proposed Order with the United States Bankruptcy Court for the District of Massachusetts using the CM/ECF System. I served the foregoing document on the following CM/ECF participants:

Carolyn Bankowski, Esquire, Chapter 13 Trustee
John Fitzgerald, Esquire, Assistant U.S. Trustee
Richard D. Smeloff, Esquire, for the Debtor

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non CM/ECF participants:

/s/ Kathryn A. Fyans
Kathryn A. Fyans, Esquire
BBO# 664601

John P. Keating
104 Pond View Drive
Kingston, MA 02364

Julia Keating
104 Pond View Drive
Kingston, MA 02364

Litton Loan Servicing, L.P.
c/o McCalla Rayerm, et al.
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076

Town of Kingston Tax Collector
23 Green Street
Kingston, MA 02364

KAF/AWB/200812-0219/Keating, John

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re: John P. Keating, Debtor.	CHAPTER 13 CASE NO. 08-16530-WCH

Order Granting U.S. Bank National Association, as Trustee relating to J.P.Morgan Mortgage Acquisition Corp. 2005-FRE1 Asset Backed Passed-Through Certificates, Series 2005-FRE1 Relief from Stay and Leave to Foreclose Mortgage

This matter has come before the Court, and after full consideration, and no objections having been filed after proper notice, it is hereby ordered that U.S. Bank National Association, as Trustee relating to J.P.Morgan Mortgage Acquisition Corp. 2005-FRE1 Asset Backed Passed-Through Certificates, Series 2005-FRE1, its Successors and/or Assigns, Motion for Relief From Stay is hereby granted and the stay imposed by 11 U.S.C. §362 and/or 11 U.S.C. §1301 is hereby terminated and it may proceed to foreclose or accept a deed in lieu of foreclosure of the mortgage given by John Keating and Julia Keating to Mortgage Electronic Registration Systems, Inc. dated August 5, 2005 and recorded with the Plymouth County Registry of Deeds at Book 31117, Page 133, as affected by a loan modification agreement recorded at Book 36158, Page 327, which covers the premises located at 104 Pond Street, Kingston, MA 02364, and may exercise its rights under said Mortgage and modification agreement, including preserving its right to seek any deficiency to the extent permitted by state and federal law, including 11 U.S.C. §524(a), and may bring such actions, including, without limitation, summary process proceedings, as are permissible by law, all as set forth in its Motion.

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Honorable William C. Hillman
United States Bankruptcy Judge

200812-0219